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Before the Looking Glass: An Informed Questions Paper on Kenyan Politics

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Before the Looking Glass: An Informed Questions Paper on Kenyan Politics

Political scientist Angelique Haugerud has lived or worked in Kenya for 25 years and posits that those seeking even a shallow understanding of Kenyan politics must first appreciate the role of “*baraza*.” At one level *baraza* is simply the omnipresent gathering of Kenyans, met for the purpose of interaction between the governed and the governors, be it the village conclave chaired by elders or the national address delivered by the president. But a *baraza*, typically unstructured in content yet stylized in form, reflects the tensions of Kenyan society and politics, a ying and yang of “security and danger, predictability and surprise, cohesion and conflict, conformity and creativity.”¹ The error, Haugerud argues, is that too often observers of Kenya will focus on one side of the *baraza* writ large. When Kenya in the 1970’s and 1980’s drew fulsome praise as a stable “island” in the sea of African continental turmoil, its internal social turbulence was ignored. Then, when political/social conflict surfaced in the 1990’s, commentators suggested Kenya was in irreversible decay, overlooking the nation’s considerable cohesiveness.² In analyzing Kenya politics, allow for the mirror reflection, the apposite tendency that marks Kenyan political intercourse, and provides it a Carrollian twist.

L’Etat No Longer Moi: The December 2002 Elections

Having slipped the yoke of British colonial rule in 1963, the promise of Kenyan independence and democracy had for forty years been quietly, but very surely, strangled, first by Jomo Kenyatta, who led Kenya from 1963 until his death in 1978 and then by Daniel arap Moi, who ruled the nation from 1978 through 2002. Kenyatta, a member of the majority Kikuyu tribe had, by 1969, established a *de facto* single party state, led by the Kenya African National Union (KANU). Moi succeeded Kenyatta in 1978, continued

to use KANU as his political vehicle, and officially declared Kenya a single party state in 1982.³ While institutionalizing KANU, Moi, from the smaller Kalenjin tribe, also sought to marginalize the Kikuyu. The Kikuyu and other sidelined ethnic groups resented Moi's tactics and formed the core of the political opposition that coalesced on the return in 1991 of multi-party politics.⁴ Moi proved expert in playing tribal loyalties one against the other, however, winning violence-marred and manipulated elections in both 1992 and 1997, despite receiving only 36 and 40 percent of the vote, respectively.⁵

The December 2002 election that brought Mwai Kibaki to the Kenyan presidency was hailed as marking the end of Kenya's long, slow slide into darkness. Over 10 million Kenyans cast their ballots in the most credible and competitive elections in Kenya's history. The National Alliance Rainbow Coalition (NARC) won with a surprisingly wide margin of victory in both the presidential race – Kibaki trounced Moi's hand-picked successor, Uhuru Kenyatta (son of the first president) by 61.3 percent to 31.6 percent – and in parliamentary contests (where NARC picked up 126 seats to KANU's 63). The result indicated “widespread national support [and] a palpable sense of relief at the end of 24 years of authoritarian rule and a feeling of national renewal.”⁶ To his credit, Moi relinquished power peacefully, calming fears that one of the last of Africa's “Big Men” would hang on by hook or by crook.

Some political cynics note that Kibaki is a long-time KANU veteran who served under both of his predecessors before leaving the party in 1991 and that many of the “leading lights of the NARC” had only months before the election held top slots in KANU.⁷ Others observers suggest, “Kibaki's cabinet has too many KANU has-beens or too many inexperienced oppositionists or is too conscious of ethnic balance or too keen to

reward political favors.”⁸ While the honeymoon is still on as of this writing, Kenyans have heard the promise of change many times before. **The first set of questions congratulates success while looking ahead to potential political pitfalls.**

What factors were key to the NARC's success and were you surprised by the margin of victory, both in absolute number and national breadth? To what do you attribute the rejection of KANU? Has KANU adopted a responsible position as “loyal opposition”? President Kibaki and other senior cabinet members have past ties to KANU. Does this help or hinder working with the opposition?

On the High Wire: Balancing Ethnic and Political Divisions

Kenya has seven major ethnic groups/tribes and, as they did elsewhere, British colonial governors utilized ethnic divides, favoring one tribe over another to undermine unity and fracture opposition. The practice survived, indeed thrived, upon independence. Under Kenyatta, the “state was constructed as an exclusive entity whose structures were utilized by various classes and ethnic interests to enrich themselves at the expense of Kenyan society...there was an apparent *Kikuyunization*...of the state apparatus...”⁹ Moi’s “succession to the presidency set the stage for the capture of the state by Kalenjin and minority elites” sidelined during the Kenyatta years.¹⁰ Hands firmly in the till, Moi and his supporters worked principally to maintain power and access to wealth; in the 1997 elections, for example, KANU constituted an alliance of “small tribes whose main priority [was] preventing the [larger] Luos or Kikuyus from taking power.”¹¹

Himself a Kikuyu, the new president has carefully constructed a cabinet that balances ethnic ties in near proportion to population percentages number, while nodding to provincial loyalties. The group is experienced and largely loyal to Kibaki. The key

political relation is with Raila Odinga, named to the powerful Ministry of Housing Roads and Public Works. Odinga heads the Liberal Democratic Party (LDP), within the NARC coalition second only to Kibaki's National Alliance Party (NAK). There is some grumbling within the LDP that it should have greater representation (read: patronage opportunities) within the new government.¹² To the tensions between the once and future opposition leaders (including several ex-KANU operatives) add the faint suspicion that Kibaki, despite a reputation for integrity, will inevitably bow to favoring Kikuyu loyalties. **The second set of questions is meant to touch lightly on internal political questions, which could impact on government policy and direction.**

Tribal loyalty has been a feature of Kenyan politics since independence. What impact will this have on NARC's policy priorities and ability to govern? What other challenges do you foresee to continued coalition unity over the near term?

Gnawing on the Body Politic: Corruption

The respected Transparency International Corruption Index placed Kenya in 2001 as the world's fifth most corrupt nation.¹³ Corruption is a way of life for the average Kenyan, "reaching from low-level bureaucrats to grand corruption at the highest levels...and has been a major disincentive for critically needed direct foreign investment."¹⁴ Moi's 24-year regime saddled Kenyans with "high rates of poverty and deprivation, corruption, nepotism, economic decay, deteriorating infrastructures, and a nearly complete absence of accountability and transparency in government..."¹⁵ Kibaki swept to power primarily on the promise to end the corruption that tainted Moi's tenure and named John Githongo, the former executive director of Transparency International, as "anticorruption czar." Githongo has singled out the police and land management

bureaucracies as early targets for cleanup.¹⁶ Moreover, the pressure to change the culture of corruption seems to have found support on the streets, where Kenyans are reportedly refusing to pay the small bribes of patronage.¹⁷ Key will be the reaction of the new government when its own senior officials are inevitably implicated; under Moi, “anticorruption commissions” that probed too close to the bone folded quickly.

Questions here are meant to gauge the depth of government commitment to fighting corruption, vital to Kenya’s future growth and success.

Kenya’s voters spoke out strongly against the culture of corruption. Beyond naming an “anti-corruption” czar what additional measures has the government adopted to fight corruption? How have international lending institutions and foreign investors reacted to these measures? What are the main obstacles to success in fighting corruption?

Good Governance: A Rainbow of Issues

Kenya should, by all rights, be a jewel of Africa. In a May 1999 speech, the then-German Ambassador to Kenya observed that the country possessed “rich natural resources, high business potential and a qualified labour force; a broad-based and educated middle class; exotic wildlife, breathtaking landscape and beautiful beaches as the basis for tourism; Mombasa, the principal entry for goods to East and Central Africa; [and] a developed capital market and stock exchange.”¹⁸ Instead, Kenya shambles along, its promise hobbled by too weak or conversely too intrusive (corrupt) government institutions, disregard for human rights, and theft of public resources meant for a now rotted infrastructure. For example, Kenya’s judges, removable by Moi thanks to easily circumvented tenure laws, “bent over backwards to accommodate the wishes of the executive for financial and political rewards [with] patronage and cronyism so endemic

that most of those appointed to the judiciary...[were] either mediocre or flatly incompetent.”¹⁹ A key human resource, Kenya’s women, have traditionally been sidelined, in practice denied citizenship rights and without voice in government.²⁰

The New Partnership For Africa’s Development (NEPAD) has identified good governance as one of the continent’s top priorities and Kibaki agrees. He brings to the fight “a promising cadre of energetic, well-educated, and reform minded technocrats [including three women ministers], which cuts across political parties...[and]...a government that appears amenable to engaging civil society and business interests in a constructive rather than confrontational way [as opposed to the suspicious Moi].²¹ One early test of his commitment will be the follow through on his promise to complete constitutional reform by June 2003; the new document will limit presidential powers.

The following questions focus on reform and modernization of Kenya’s political and institutional structures.

Respect for the rule of law is the touchstone of political and economic development and stability. What steps are being taken to reform and strengthen Kenya’s notoriously weak judiciary? Good governance requires the active participation of all elements of society. What role do you see for non-governmental organizations – especially those promoting women’s rights - in rebuilding Kenyan society? What are the key elements of constitutional reform and how will it transform and improve Kenya’s political institutions? What are the obstacles?

Mr. Kibaki’s Neighborhood: Regional Issues

Kenya shares borders with five nations. Relations with Uganda on the west and Tanzania to the south are not problematic. To the north, Ethiopia struggles with its own

problems, including debilitating drought and famine, as well as continuing tensions with Eritrea. But at more than double Kenya's population of 30 million, Ethiopia vies for regional supremacy and relations range from correct to suspicious. Sudan, to the northwest, and Somalia in the east have both been wracked by violence, whose spillover effects have negatively impacted Kenya. Human Rights Watch has noted, for example, that much of East Africa, as well as the Horn of Africa, is awash with guns, predominantly small arms. Many find their way into Kenya thanks to a thriving illegal gun trade along porous borders, fueling Kenya's own episodic ethnic clashes, as well as soaring crime rates in Nairobi and other urban centers.²²

Nonetheless, Kenya has been a responsible neighbor. It has spent time and money to co-sponsor with the U.S. "groundbreaking talks" between the government of Sudan and the Sudan People's Liberation Movement in Machakos, Kenya, negotiations that are expected to continue into 2003. Kenya also led an African initiative to bring peace to Somalia, last year bringing representatives of most factions from that failed state to the Kenyan town of Eldoret for talks that, while halting, are seen as the "best prospects in over a decade for establishing a modicum of order and governance in Somalia."²³ In March 2000, Kenya took the initiative to host a ministerial level conference on small arms in the Horn and the Great Lakes region, resulting in the "Nairobi Declaration," a pledge of coordinated regional action to stem the proliferation of small arms.²⁴ The East African Community (Kenya, Tanzania and Uganda) could become an important regional trading block, should it expand trade and cooperation beyond the founding three.

Questions here focus on how Kenyans view their place in Africa and the world.

Many observers view Kenya and Ethiopia as East Africa's "regional anchors." Can relations between your two countries act as a spur to regional cooperation and security? How would you characterize the current state of play in the Sudanese negotiations? Which of the Somali factions, if any, do you see as most representative of the Somali people and how can they be strengthened? How can the U.S. help facilitate progress in either negotiation? Pursuant to the "Nairobi Declaration", what steps have you taken with your neighbors to stem Kenya's and the region's growing "gun culture"?

A Country That Is "With Us": U.S.-Kenyan Relations

Even before 9/11, Kenya knew the impact of terrorism – more than 200 Kenyans died in the 1998 bombing of the U.S. Embassy in Nairobi – and Kenya has been a willing partner in the U.S.-led fight against terror, a relationship that is expected to continue with the Kibaki government. But the U.S. needs be sensitive that from the Kenyan perspective cooperation with the U.S. is costly. Ten more died in November 2002 when al-Qaeda terrorists struck at Israeli tourists in Mombasa, an action many Kenyans saw as a clear attempt by the terrorists to "chill Kenyan enthusiasm for continued partnership with the U.S [as] the U.S. security engagement [in the Horn and particularly Somalia and Djibouti] expands dramatically."²⁵ While U.S. assistance to strengthen Kenya's security apparatus, intelligence gathering, and law enforcement capabilities is welcome, it is clear that Kenyans expect the relationship to encompass more than just security and terrorism.

After Kibaki's win, many commentators expected that IMF and other international donor assistance, suspended in the corruption-swaddled Moi era, would resume. As a principal donor, the U.S. can encourage resumption of aid but do so in a manner that respects Kenyan priorities, as reflected in the NEPAD blueprint. (Indeed,

some Kenyans have questioned the utility of returning down the debt path, worried that it would resume a cycle of dependency.)²⁶ The U.S. should also consider boosting bilateral aid to Kenya, “particularly in those areas, such as health and education, that Kenyans and the NARC government have identified as priorities...as well as technical assistance and training to bolster critical public institutions.”²⁷ Strengthening the judiciary and the NGO’s representing civil society will reduce corruption and further good governance. Once Kenya has reduced corruption, it would also seem the ideal candidate for early consideration in the Bush administration’s Millennium Challenge Account. It is a nation that has not only the will but also the human and material capacity to better itself, with just a little help from its friends. **These final questions will gauge how Kenyans view the strength and direction of U.S.-Kenyan bilateral relations.**

The accession to power of a new government provides an ideal opportunity to broaden and deepen the U.S.-Kenyan relationship. What are or should be our joint priorities? What actions can we take together to bolster Kenya’s political, economic and social institutions? The U.S. appreciates Kenya’s sacrifice and assistance in the war on terror. What steps are necessary to ensure our continued success in the effort?

NOTES

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- ¹ Angelique Haugerud, The Culture of Politics in Modern Kenya (New York: Cambridge University Press, 1995), 7.
- ² Haugerud, 4.
- ³ Charles H. Cutter, Africa 2002, (Harpers Ferry, WV: Stryker-Post Publications, 2002), 198.
- ⁴ Godwin Rapando Muranga, "A Critical Look at Kenya's Non-Transition to Democracy," Journal of Third World Studies, Vol. XIX, No. 2 (2000): 96.
- ⁵ Cutter, 199.
- ⁶ David Throup, "The Kenya General Election: December 27, 2002," Center for Strategic and International Studies: Africa Notes, No. 14 (January 2003), 1.
- ⁷ Anver Versi, "Victory to the People," African Business, No. 284 (February 2003), 13.
- ⁸ "Mwai and Moi Make History," African Confidential, Vol. 44, No.1 (10 January 2003), 1.
- ⁹ Muranga, 91.
- ¹⁰ Roger Southall, "Dilemmas of the Kenyan Succession," Review of African Political Economy, Vol. 27, Issue 84 (June 2002), 5.
- ¹¹ Lara Santoro, "Tribal Lines Divide Kenyans," Christian Science Monitor, Vol. 90, Issue 28, 6 January 1998, 6.
- ¹² Throup, 4.
- ¹³ "New Index Highlights Worldwide Corruption Crisis," Transparency International Press Release, 27 June 2001, 4.
- ¹⁴ Jennifer Cooke and David Throup, "New Change for Kenya: U.S. Policy Should Help Make the Most of It," Center for Strategic and International Studies: Africa Notes, No. 13 (January 2003), 3.
- ¹⁵ Muranga, 99.
- ¹⁶ Cooke and Throup, 3.
- ¹⁷ Sudarsan Raghavan, "New Political Will to Fight Corruption in Kenya," Knight Ridder Newspapers, 4 February 2003, 2.
- ¹⁸ Southall, 8.
- ¹⁹ Makau Mutua, "Justice Under Siege: The Rule of Law and Judicial Subservience in Kenya," Human Rights Quarterly, No. 23 (2001), 113.
- ²⁰ Lisa Aubrey, "Gender, Development, and Democratization in Africa," Journal of Asian and African Studies, Vol. 36, Issue 1 (2001), 93.
- ²¹ Cooke and Throup, 3.

²² “Playing With Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya,” Human Right Watch, (May 2002), 13-15.

²³ Cooke and Throup, 5-6.

²⁴ Human Rights Watch, 18.

²⁵ Cooke and Throup, 6.

²⁶ Brian Cooksey, “NARC, Beware the Donor and His Gold,” East African, 13-19 January 2003, Ed. Page.

²⁷ Cooke and Throup, 7.

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